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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,975	10/15/2003	Gilad Odinak	MS1-157USC2	8099
22801	7590	03/28/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,975

Applicant(s)

ODINAK ET AL.

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

EXAMINER'S RESPONSE

Status of Application

In response to the applicant's amendment received on 4/28/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 35-51 are unpatentable for the reasons set forth in this office action:

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds 150 words and includes the phrase "described herein". These issues need correcting.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 35-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertch (5570085) and Dykema (5661804).

Bertsch in the same field of endeavor discloses a programmable distributed appliance control system and method incorporated into a variety of consumer appliances for use in a home automation system utilizing the "electrical power line" in the form of transmission medium **52** which is disclosed as an being a "power line" as claimed, (fig. 1 and 36-38). Further, Bertsch's disclosure of system configuration relative to message handling, as just described; fairly implies composing, sending, receiving, and disregarding such messages. Bertsch does not expressly state the use of an identifier, which collectively identifies a group of components. In the parent application 08/874046 (now US Patent 6690289) the applicant argues and the Board of Appeals agreed that Bertch's CEBus is a single protocol used by all the appliances. Bertsch's system is described as "programmable" and thus is considered to meet limitations wherein "the messages do not include identifiers of specific components" as claimed, (col. 3, lines 29-33). Bertsch meets claim limitations with respect to

Art Unit: 2635

message authentication and error detection based on first and second message authentication codes derived from predefined one-way function data and shared keys in the form of special bytes in messages “for assisting in the detection and correction of transmission errors,” (col. 4, lines 17-20). Bertsch meets claim limitations wherein “the messages include data portions, and wherein different groups of the components use different formats for the data portions” by his teachings relative to the first sublayer within his layer 2 which “includes the arrangement of data bytes used for identifying the type of packet, the data content of the packet, and special bytes for assisting the detection and correction of transmission errors” as used to communicate with his different consumer appliances **80A**, **80B**, etc., (col. 4, lines 15-20).

In an analogous art, Dykema teaches “using key values” which “change from a current to a subsequent key value.” Dykema provides the claimed “key value” in the form of his “variable code” used with his “trainable transceiver” as discussed at col. 4, line through col. 5, line 26. Further, the changing of key values from a “current to a subsequent key value” as claimed is considered to be no more than a cryptographic scheme based on a variable (or rolling) code format using a sequence or list of codes, which is known in the art as evidenced by Dykema. Dykema discloses a trainable transceiver capable of learning and utilizing such codes (col. 5, lines 2-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dykema’s variable code teachings in Bertsch’s programmable appliance control system, such combination suggested by Dykema’s teachings applicable to “a home

Art Unit: 2635

security system, or any other household appliance" (col. 7, lines 1-5) in order to enhance system security.

Bertsch in view of Dykema disclose the claimed invention except for further limitation for "calculating a third message authentication code" which is considered to be a logical extension of the previously cited "second message." Replication of the "second message" into a "third message" and its use in a functionally equivalent authentication process is considered to be within the skill of and obvious to the artisan at the time of the invention in order to simply extend the usefulness of Bertsch in view of Dykema's invention.

2. Claims 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertch (5570085) and Dykema (5661804) and Guidette (5227762).


In an analogous art, Guidette shows the use of an identifier which collectively identifies a group of components to enable communication to and from a component and enable the control of a plurality of components in a home bus system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the group identifying concept of Guidette in the Bertsch system to provide simple control of a plurality of components together.

Art Unit: 2635

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BAZ